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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,608	05/31/2001	Bjorn Paulshus	7822-82871	1151
24222	7590	06/15/2005	EXAMINER	
MAINE & ASMUS 100 MAIN STREET P O BOX 3445 NASHUA, NH 03061-3445			NGUYEN, CHI Q	
			ART UNIT	PAPER NUMBER
			3635	

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/871,608

**Applicant(s)**

PAULSHUS ET AL.

**Examiner**

Chi Q. Nguyen

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-13 and 15-19 is/are rejected.
- 7) ☒ Claim(s) 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)     | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____  | 6) <input checked="" type="checkbox"/> Other: <u>attachment</u> .           |

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### **DETAILED ACTION**

This Office action is in response to the applicant's amendment filed on 3/23/05.

#### ***Terminal Disclaimer***

The terminal disclaimer filed on 1/21/03 has been reviewed and is accepted. The terminal disclaimer has been recorded.

#### ***Drawings***

The substitute of figure 2 filed on 1/21/03 has been accepted.

#### ***Specification***

The substitute specification filed on 1/21/03 has been accepted and entered.

The abstract of the disclosure is objected to because it should be on a separated page. Correction is required. See MPEP § 608.01(b).

#### ***Claim Objections***

Claim 18 is objected to because of the following informalities: in line 2, "stands" should be "strands". Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 18 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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In regard claims 18 and 19, the cited limitation "wherein the filaments are wound at a maximum pitch corresponding to the circumference of a drum onto which the strands are to be coiled" is considered indefinite because it does not further limit the structural features of the tension member.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11-13, and 15-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Hughes et al. (US 4,197,695).

In regard claims 11, 18 and 19 Hughes teaches a corrosion resistant rope comprising a plurality of fiber filaments 327 gathered into a plurality of strands 323 in which the filaments run close together, around with strands there is provided a protective sheath S (see attachment of figure 17), wherein between the strand and the protective sheath there are provided spacing elements P, which spacing elements define an inner continuous cavity C adapted to receive a plurality of strands, said cavity having a cross section corresponding to at least approximately the total cross section of all the strands, and that each strand is coated on the exterior thereof with sheath of a material, lubricant 321 having a low friction coefficient (col. 17, lines 17-18). Since Hughes teaches the similar structural elements thus it inherently capable perform the same function such as

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permitting the strands to move longitudinally in relation to one another and independently of each other (see also figure 3D)

In regard claim 12, Hughes teaches the claimed invention as stated wherein the sheath consists of polyurethane (col. 17, line 28).

In regard claim 13, Hughes teaches the claimed invention as stated wherein the spacing elements P formed on the outside of each strand 323 thus inherently have recess across the adjacent strands (fig. 17).

In regard claims 15, 17, Hughes teaches the claimed invention as stated since wherein at least one of the spacing elements P comprises plastic material thus inherently having buoyancy in water (col. 17).

In regard claim 16, Hughes teaches the claimed invention as stated wherein the spacing P elements consist of PVC (col. 17, line 22).

### ***Allowable Subject Matter***

Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

Applicant's arguments with respect to claims 11-19 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chi Q. Nguyen whose telephone number is (571) 272-6847, Mon-Thu (7:00-5:30), Fridays off or examiner's supervisor, Carl


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Friedman can be reached at (571) 272-6842. The examiner's right fax number is (571) 273-6847.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairdirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197.

6/8/05

  
CQN

  
Naoko Slack  
Primary Examiner

